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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,319	03/30/2004	Irwin Kotovsky	KOTOV-25	3653
7590	04/06/2006		EXAMINER LEE, GUNYOUNG T	
Attorney at Law Suite 304 201 N. Craig Street Pittsburgh, PA 15213			ART UNIT 2875	PAPER NUMBER

DATE MAILED: 04/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/813,319

Applicant(s)

KOTOVSKY ET AL.

Examiner

Gunyoung T. Lee

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10, 19 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 19 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Applicant's election without traverse of Group I (claims 1-10 and 19-20) in the reply filed on March 15, 200603 is acknowledged.

Claim Objections

2. Claims 1-2 and 10 are objected to because of the following informalities:
 - The uses of the word "can" in line 6 of claim 1 and in line 2 of claim 2 render the claims indefinite, because it is unclear whether the structural limitation following the word, namely the "can", is part of the claimed invention (see MPEP § 2173.05(g));
 - The scopes of "the first face" in lines 7-8 of claim 1 and in line 3 of claim 2 lack proper antecedent bases.
 - The phrases "an inside face facing toward the interior and an outside face facing away from the interior" in lines 9-10 of claim 1, in lines 5-6 of claim 2, and in lines 4-5 and 10-11 of claim 10 render the claims indefinite, because the first (claims 1, 10) and second (claims 2, 10) shutters rotate and thereby the facing direction of the shutter face depends upon the position of the shutter;
 - The use of the pronoun "it" in line 11 of claim 1, in line 7 of claim 2, and in line 6 of claim 10 renders the claims indefinite. It is advised by Examiner not to use a pronoun in the claims.

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3. Claim 19 is objected to because: the scopes of "the alcove" in line 2 and "the reflector" in line 3 of claim 19 lack proper antecedent bases. Appropriate correction is required.

4. Claim 20 is objected to because: the scope of "the alcove" in line 1 of claim 20 lacks proper antecedent basis. Appropriate correction is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 1-4, 6-9 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Montgomery (US 5,733,036) in view of Mullins (US 4,780,800).

8. Montgomery discloses a louvered light control system (Fig. 9).

9. In regards to claims 1-4, 6-9 and 19-20, Montgomery discloses:

- A light source (col. 3, lines 3-4) (claim 1);
- A housing (Fig. 2, A, 12) in which the light source is disposed (col. 3, lines 3-4) (claim 1);
- Wherein the housing (Fig. 4, A, 12) has a front face through which the light emanates from the housing, a first side and an interior (Fig. 2) (claim 1);
- A first shutter (Fig. 9, 14) rotatably connected to the housing (Fig. 4, 12) and having an inside face and an outside face (col. 4, lines 44-45) (claim 1);
- A second shutter (Fig. 9, 16) rotatably connected to the housing (Fig. 4, 12) and having an inside face and an outside face (col. 4, lines 44-45) (claim 2);
- Wherein the light source is a fluorescent lamp (col. 3, line 3-4) (claim 4);
- A motor (Fig. 11, 46) connected to the shutter which moves the shutter into a desired position (col. 2, lines 6-8) (claims 6, 7, 19);
- A hinge (Fig. 4, 32) attached to the shutter and the housing (claim 8);
- A bracket (Fig. 4, B) attached to the housing (A, 12) for attaching a housing to a building structure (C) (claims 9, 20).

10. However, Montgomery does not expressly disclose:

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- The outside faces of the first (claim 1) and second (claim 2) shutters have a reflecting material.
- A plurality of light sources (claim 3).

11. In regards to the shutter having a reflective outside surface (claims 1, 2), Mullins discloses a reflective louver (Fig. 1) for fluorescent lighting fixture (col. 1, lines 5-7) with a reflective outside surface (Fig. 7, 106). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the outside surface of the shutter (louver) of Montgomery with the reflective surface as shown in Mullins to provide reflecting lights with a highly reflective surface, for the purpose of providing aesthetic illumination on a desired area (e.g. office, classroom, etc) without diminishing the intensity from the fluorescent lighting elements.

12. In regards to a plurality of light sources (claim 3), it would have been obvious to one of ordinary skill in the art at the time the invention was made to use more than one fluorescent lamps with the louvered light control system to provide illumination with higher intensity, for the purpose of reducing any strain on the eyes of the people by providing sufficient illumination.

13. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Montgomery (US 5,733,036) and Mullins (US 4,780,800) as applied to claims 1-3 above, and further in view of Goebel (US 2,625,646).

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14. In regards to claim 5, Montgomery and Mullins disclose the invention substantially as claimed except for a gimbal ring disposed in the housing. Goebel discloses a lighting fixture (Fig. 15) having a gimbal ring (Fig. 16, 63) disposed in the housing (Fig. 15, 1, 2) to hold a lamp (64). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the gimbal ring of Goebel for the louvered light control system modified by Mullins to provide various lighting distribution by changing the angle of the lamp, for the purpose of increasing the comfortableness of the people by adjusting the light distribution using adjustable shutters (louvers) and the gimbal ring.

15. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Montgomery (US 5,733,036) and Mullins (US 4,780,800).

16. Montgomery and Mullins were discussed in the rejection of claim 1 above.

17. In regards to method claim 10, all structural limitations claimed in claim 10 are met by Montgomery and Mullins, as describe in the rejection of apparatus claim 1-2 above, except for a method of lighting. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a method of lighting using the louvered light control system modified by Mullins to provide sufficient illumination on a desired area.

Conclusion


18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Pape (US 1,782,629), Lowell (US 3,140,053), Lemme (US 4,513,358) and Lassoovsky (US 6,076,943) show lighting systems having shutters.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gunyoung T. Lee whose telephone number is (571) 272-8588. The examiner can normally be reached between 7:30 - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra L. O'Shea can be reached at (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GTL
4/3/2006


JOHN ANTHONY WARD
PRIMARY EXAMINER